

## REMARKS

Claims 34-39 are currently pending. Claim 34 is amended herein. Reconsideration and allowance of the remaining Claims is respectfully requested.

### 112 Rejection

Claims 34-39 are rejected under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claim 34 has been amended in a manner so as to obviate the cited rejections. Consequently, Applicants respectfully request the withdrawal of the rejection of Claims 34-39 under 35 USC 112 second paragraph.

### 102 Rejections

Claims 34-39 are rejected under 35 U.S.C. § 103(a) as being anticipated by Evans et al. (U.S. Patent No. 5,897,424) in view of Yu (U.S. Patent No. 5,435,772). Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as set forth in Claims 34-39 are neither anticipated nor rendered obvious by Evans et al. (U.S. Patent No. 5,897,424) in view of Yu (U.S. Patent No. 5,435,772).

The Examiner is respectfully directed to independent Claim 34 which recites that an embodiment of the present invention is directed to a polishing apparatus comprising:

...a polishing pad overlying the polishing platen and including an under pad, with both the polishing pad and the under pad having a second central region and a second peripheral region, the second central region having a first front surface and the second peripheral region having a second front surface, wherein at least a portion of

the second front surface lies below the first front surface...

Claims 35-39 depend from independent Claim 34 and recite further features of the claimed invention.

Evans et al. does not anticipate or render obvious a polishing apparatus that includes both a polishing platen and a polishing pad with the “polishing pad overlying the polishing platen and including an under pad, with both the polishing pad and the under pad having a central region and a peripheral region, the central region having a first front surface and the peripheral region having a second front surface.” Evans only shows a dissimilar renewable polishing lap.

Nowhere in the Evans et al. reference is there shown or suggested a polishing apparatus that includes a polishing apparatus that includes both a polishing platen and a polishing pad with the polishing pad overlying the polishing platen and including an under pad, with both the polishing pad and the under pad having a central region and a peripheral region, the central region having a first front surface and the peripheral region having a second front surface as is set forth in Claim 34 (see Figure 6).

Yu does not teach or suggest a modification of Evans et al. that would remedy the deficiencies of Evans et al. noted above. More specifically, Yu does not teach or suggest a polishing apparatus that includes both a polishing platen and a polishing pad with the “polishing pad overlying the polishing platen and including an under pad, with both the polishing pad and the under pad having a central region and a peripheral region, the central region having a first front surface and the peripheral region having a second front surface.” In addition, it is important

to note that the platen 14 disclosed by Yu (see column 3 in several locations) does not include a tapered portion as is required to meet the limitations of Claim 34. In fact, nowhere in the Yu reference is there shown or suggested a polishing apparatus that includes both: (1) a polishing pad that includes an under pad and (2) a polishing platen that has a tapered region that is overlain by at least a portion of a second front surface of a peripheral region of the polishing pad (that incidentally is also tapered - see Figure 6) as is recited in Claim 34.

Therefore, even if Evans et al. and Yu are combined as is suggested in the outstanding Office Action, the Applicants' invention would nevertheless not be taught or suggested by the combination. The Examiner is reminded that to render a claim obvious, all of the claim elements must be taught or suggested by the combination of references used in the rejection of the claim. As outlined above this is clearly not the case as it regards the Evans et al. and Yu combination. Consequently, the embodiments of the Applicants' invention as are set forth in Claims 34-39 are neither anticipated nor rendered obvious by Evans et al. and Yu, either alone or in combination.

Therefore, Applicants respectfully submit that Evans in view of Yu does not anticipate or render obvious the present claimed invention as set forth in independent Claim 34 and as such Claim 34 overcomes the Examiners basis for rejection under 35 U.S.C. 103(a). Accordingly, Applicants submit that Claim 34 is in condition for allowance. Accordingly, Yu does not anticipate or render obvious the present invention as is recited in Claims 35-39 which depend from independent Claim 34, and that Claims 35-39 are in condition for allowance as being dependent on an allowable base claim.

Conclusion

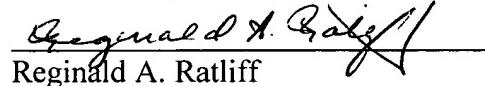
In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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